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PATENT
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Attorney Docket No.: 09282.0044-00000
SAP Reference No. 2003P00126US01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)
) Group Art Unit: 3629
Holger BOHLE)
) Examiner: Shaun D. SENSENIG
Application No.: 10/772,081)
) Confirmation No.: 1661
Filed: February 3, 2004)
)
For: CURRICULUM MANAGEMENT SYSTEM)

Attention: Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, this Reply Brief responds to the Examiner's Answer mailed April 14, 2010 (hereinafter, "the Answer"), which has a two-month period for reply extending through June 14, 2010.

Arguments in reply to the Examiner's Answer begin on the next page of this paper.

ARGUMENT

This Reply Brief responds solely to issues first raised in the Examiner's Answer.

First, the Answer purportedly responds to Appellant's reasoning that *Schloss* does not teach "processing [a] modification to the booking based on at least whether the booking represents an individual booking or a curriculum booking" as recited in claim 1.

Specifically, the Answer asserts that "[e]vents can be modified . . ." [taught in Abstract of *Schloss*] shows the ability to modify events." Examiner's Answer, p. 11. However, Appellant respectfully submits that the mere fact that *Schloss* teaches that an event can be modified does not constitute a teaching that such modification is based on whether the event is an individual event or a part of a series of events. In fact, *Schloss* teaches processing a modification based on other conditions, i.e., whether certain "dynamic conditions" are satisfied. See, e.g., *Schloss*, Abstract, ll. 6-12.

Regarding "dynamic conditions," the Answer argues that "[a] person of skill in the art would recognize a "dynamic condition" related to an event as being a "characteristic" of that event." Examiner's Answer, p. 12. Appellant again respectfully submits that, the mere fact that a "dynamic condition" relates to an event does not determine whether that event is an individual event or a part of a series of events. In fact, *Schloss* presents couple of examples as what a "dynamic condition" is, such as, safety concerns and lack of resources. See, e.g., *Schloss*, col. 10, ll. 37-43. None of the dynamic conditions taught in *Schloss* can constitute a teaching of whether an event is an individual event or a part of a series of events.

Moreover, the Answer relies upon lines 12-16 of the Abstract of *Schloss* as support for its assertion that *Schloss* teaches “modification,” and relies upon column 11, lines 9-12 of *Schloss* as support for its assertion that *Schloss* teaches whether an event is an individual event or a part of a series of event, and then asserts that *Schloss* teaches modifying an event based on whether an event is an individual event or a part of a series. See Examiner’s Answer, p. 11. However, this assertion is not correct.

Specifically, as already noted in the Appeal Brief, column 11, lines 9-12 of *Schloss* relates to “scheduling,” but not “modification.” See *Schloss*, col. 10, ll. 63-64, “FIG. 9 is flow chart showing the steps performed by the system at scheduling time to schedule an event group 260 or event 210,” (emphasis added). On the other hand, a modification to an event as taught in *Schloss* is processed after scheduling and before performance. *Schloss* teaches a “prepare to perform time(s),” which is “between scheduling time and a performance time.” *Schloss*, Abstract, ll. 4-6. *Schloss* further teaches that “[a]t the prepare to perform time(s), certain dynamic conditions and/or data associated with the events are checked” and “[i]f one or more of the dynamic conditions are not satisfied, the event(s) are modified.” *Schloss*, Abstract, ll. 6-12, (emphases added).

In view of the above, the portion of *Schloss* cited by the Answer as teachings of whether an event is an individual event or a part of a series has nothing to do with the “modification” taught in *Schloss*. Moreover, *Schloss* explicitly teaches processing a “modification” based on other conditions, as discussed above, rather than whether an event is an individual event or a part of a series event.

Furthermore, the Answer asserts that the teaching in the Abstract of *Schloss* that “a modification of a event(s) can cause modifications to one or more subsequent events in the event group (propagation) . . . clearly shows that the determining whether the event is part of a series is performed during a modification.” Examiner’s Answer, p. 12. However, this assertion is not correct.

Specifically, *Schloss* at best teaches that if an event is a part of a series events, a modification to one event(s) can cause modifications to subsequent event(s). One of ordinary skill in the art would recognize that this is a natural result when an event belongs to a series of events. However, this does not require a determination whether the event is an individual event or a part of a series, based on which a modification is processed.

Moreover, regarding the Answer’s assertion that “Appellant’s claims do not explicitly or implicitly require a modification or related elements to occur at a time other than scheduling,” Appellant respectfully submits that one of ordinary skill in the art would recognize that one needs to “schedule” a booking before one can “modify” it.

In view of the above discussion, and the more detailed discussion presented in the Appeal Brief, *Schloss* fails to teach or suggest at least “processing [a] modification to the booking based on at least whether the booking represents an individual booking or a curriculum booking” as recited in claim 1.

Second, regarding the Official Notice, the Answer asserts that “Appellant has not properly traversed the official notice. Appellant has . . . not provided any arguments or evidence showing why the rejected elements would not be “old and well-known to

someone of skill in the art.” Examiner’s Answer, pp. 12-13. Appellant again respectfully notes that, as already discussed in the Appeal Brief, the Examiner failed to provide required “explicit basis on which the examiner regards the matter as subject to official notice and allow Applicants to challenge the assertion in the next reply.” See MPEP § 2144.03.

In the Answer, the Examiner cites U.S. Patent No. 6,988,138 to Alcorn (“*Alcorn*”) as evidence for supporting the assertions in previous communications. Particularly, the Answer appears to assert that the “hyperlink” of *Alcorn* corresponds to the claimed “attendance link.” Examiner’s Answer, p. 13. However, Appellant respectfully notes that the “hyperlink” of *Alcorn* is a hyperlink provided on a web page, linking to other information such as announcements, instructors, etc. By clicking a hyperlink, the user can view various information. See, e.g., *Alcorn*, col. 4, l. 56 - col. 5, l. 15. The “hyperlink” of *Alcorn* is not an “attendance link that associates the learner with the course” as recited in claim 1 (emphasis added).

Therefore, *Schloss* and *Alcorn*, whether taken alone or in combination, still fail to teach or suggest “an attendance link that associates the learner with the course, the attendance link identifying whether the course is associated with a corresponding curriculum” as recited in claim 1.

CONCLUSION

For at least these reasons and for the reasons set forth in greater detail in Appellant’s Appeal Brief filed on January 11, 2010, Appellant respectfully requests that

the Board reverse the rejections under 35 U.S.C. § 103(a) of claims 1-16. Please charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Philip J. Hoffman
Reg. No. 46,340
(202) 408-4000